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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/956,910	09/21/2001	Stephan Hartwig	004770.01183	2649
22907 7590 05/04/2007 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER SHANG, ANNAN Q	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 05/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/956,910

Applicant(s)

HARTWIG ET AL.

Examiner

Annan Q. Shang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-109 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-109 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-98 and 103-109 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hind et al (6,772,331)** in view of **Ellis et al (2005/0028208)**.

As to claim 1, note the **Hind** reference figures 1-6, discloses method and apparatus for exclusively pairing wireless devices and further discloses a method to inhibit functions of a first mobile terminal by using a second mobile terminal, both comprise a wireless interface, the first mobile terminal having a plurality of functions which are controlled by a controller, the method comprising:

Authenticating of the second mobile terminal with the first mobile terminal (figs. 1-6, col.7, lines 30-39, col.9, lines 16-61 and col.12, lines 20-42);

Transmitting inhibit rule data to the first mobile terminal via wireless interfaces (col.12, lines 20-42);

Inhibiting certain function(s) of the first mobile terminal according to the transmitted inhibit rule data so that the function(s) are no longer operable by the controller, the inhibiting being performed based on the transmitted inhibit rule data without being based on additionally provided data received by the second mobile

terminal from one of a third device and a content source (col.12, lines 20-42 and line 63-col.13, line 43).

Hind fails to explicitly teach inhibiting certain functions of the first mobile so that the functions are no longer operable.

However, **Ellis** discloses interactive television program guide (ITV-PG) with remote access (RA-24) where the RA-24 transmits parental control settings to a device so that a plurality of functions are no longer operable by the device (page 5, page 3, [0029], [0071-0072], [0090], [0097-0099], [0120-0121]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Hind in order to restrict some functions of the device and limit the user to only permitted functions based on the parental control settings.

As to claim 2, Hind further discloses where the first mobile is able to execute software programs and where the functions comprise an executable software program or a part (col.9, lines 16-61 and col.12, lines 20-42).

As to claims 3-4, Hind further discloses where the mobile terminal comprises a content server and the second mobile terminal corresponding client and the content and client are employed for transmission of the inhibit rule data (col.4, lines 4-51, col.9, lines 16-61 and col.12, lines 20-42).

As to claim 5, Hind further discloses where the content server uses HTML, XHTML, XML or WML (col.7, line 46-col.8, line 12).

As to claims 6-7, Hind teaches where the wireless interface is Bluetooth (BT) and employing HTTP over BT and/or TCP/IP and/or wireless application protocol over BT (col.1, line 38-col.2, line 22, col.4, line 4-28, col.7, lines 1-13 and lines 47-58)

As to claim 8, Hind further discloses where a secured communication link is established between the second mobile terminal and the first mobile terminal (col.7, line 1-38).

As to claim 9, **Hind** further discloses in figures 1-2, 5 and 6, a method to inhibit functions of a mobile terminal by using a mobile remote control means both comprising a wireless interface, the mobile terminal having a plurality of functions which are controlled by a controller, characterized by:

Authenticating of the second mobile terminal with the first mobile terminal (figs.1, 2, 5, col.7, lines 30-39, col.9, lines 16-61 and col.12, lines 20-42);

Transmitting inhibit rule data to the first mobile terminal via wireless interfaces (col.12, lines 20-42);

Inhibiting certain function(s) of the first mobile terminal according to the transmitted inhibit rule data so that the function(s) are no longer operable by the controller (col.9, lines 16-61, col.10, lines 30-56 and col.12, lines 20-42), where Bluetooth link key generated from a passkey is used for authenticating the mobile remote control means (col.11, lines 33-46, col.12, line 53-col.13, line 43).

Hind fails to explicitly teach inhibiting certain functions of the first mobile so that the functions are no longer operable.

However, **Ellis** discloses interactive television program guide (ITV-PG) with remote access (RA-24) where the RA-24 transmits parental control settings to a device so that a plurality of functions are no longer operable by the device (page 5, page 3, [0029], [0071-0072], [0090], [0097-0099], [0120-0121]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Hind in order to restrict some functions of the device and limit the user to only permitted functions based on the parental control settings.

As to claims 10-15, Hinds fails to teach where the inhibit rule data comprises a predetermined access time, a predetermined period of time, a predetermined number of accesses, identification, classification code and cost information and where the first mobile terminal retransmits data concerning the use of the functions of first mobile terminal and the use of some types of content.

However, Ellis further discloses where the parental control data comprises a predetermined access time, a predetermined period of time, a predetermined number of accesses, identification, classification code and cost information and where the first mobile terminal retransmits data concerning the use of the functions of first mobile terminal where the use of functions includes the user of PPV, games, shopping, internet services, etc., (page 8, [0099-0104, [0107-0108] and 0119-0122]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Hind in order to restrict some functions of the device and limit the user to only permitted functions based

on the parental control settings and further administer all the various possible parental settings to control the received content and retrieved desirable content accordingly.

Claim 16 is met as previously discussed with respect to claim 3.

Claim 17 is met as previously discussed with respect to claim 5.

Claims 18-19 are met as previously discussed with respect to claims 6 and 7.

Claims 20-21 are met as previously discussed with respect to claims 6 and 7.

Claims 22-27 are met as previously discussed with respect to claim 8.

Claim 29 is met as previously discussed with respect to claim 9.

Claims 29-78 are met as previously discussed with respect to claims 10-15.

Claims 79-91 are met as previously discussed with respect to claims 10-15.

Claim 92 is met as previously discussed with respect to claim 9.

As to claim 93, Hind further discloses where the first mobile terminal includes a mobile telephone (col.1, line 25-37 and col.4, lines 15-28).

Claims 94-97 are met as previously discussed with respect to claims 10-15.

As to claim 98, Hind further discloses a third device and transmitting data records to a third device, but fails to explicitly teach transmitting data concerning the use of functions, which is met as previously discussed with respect to claims 10-15.

As to claims 103-104, **Hind** further discloses in figures 1-6, a first mobile terminal configured to perform functions, the first mobile terminal comprising:

A functional Unit (inherent to the Mobile Terminals 'MTs' see figs.1-6); A controller (Processor of MTs) in communication with the functional unit for controlling

functions that can be performed by the functional unit (col.7, lines 30-39, col.9, lines 16-61, col.12, lines 20-42 and line 53-col.13, line 43);

A wireless interface for securely communicating with a second mobile terminal, the second mobile terminal authorized by the first mobile terminal via reception of passkeys from the second mobile terminal ((col.7, lines 30-39, col.9, lines 16-61, col.12, lines 20-42 and line 53-col.13, line 43); and

A server unit (Local Access Database of MTs) in communication with the controller (col.12, lines 20-42 and col.13, lines 26-43), the server unit performing steps comprising:

Receiving inhibit rule data via a wireless interface; Inhibiting certain function(s) of the first mobile terminal, a telephone unit, according to the transmitted inhibit rule data so that the function(s) are no longer operable by the controller, the inhibiting being performed based on the transmitted inhibit rule data without being based on additionally provided data received by the second mobile terminal from one of a third device and a content source (col.12, lines 20-42 and line 63-col.13, line 43).

Hind fails to explicitly teach inhibiting certain functions of the first mobile so that the functions are no longer operable.

However, **Ellis** discloses interactive television program guide (ITV-PG) with remote access (RA-24) where the RA-24 transmits parental control settings to a device so that a plurality of functions are no longer operable by the device (page 5, page 3, [0029], [0071-0072], [0090], [0097-0099], [0120-0121]).



Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Hind in order to restrict some functions of the device and limit the user to only permitted functions based on the parental control settings.

Claim 105 is met as previously discussed with respect to claims 10-15.

Claim 106 is met as previously discussed with respect to claim 98.

Claims 107-109 are met as previously discussed with respect to claims 10-15.

3. Claims 99-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hind et al (6,772,331)** in view of **Ellis et al (2005/0028208)** as applied to claim 96 above, and further in view of **Steele et al (6,564,047)**.

As to claims 99-102, Hind as modified by Ellis, fail to explicitly teach where the mobile telephone data concerns the use of functions including telephone usage data, total number of calls, duration of phone calls, where the usage includes text messaging usage information and number of text messages sent from the mobile telephone.

However, note the **Steele** reference figures 1-4, discloses advanced air-time management and further discloses usage management of cellular telephones, including including telephone usage data, total number of calls, duration of phone calls, where the usage includes text messaging usage information and number of text messages sent from the mobile telephone (col.2, line 48-col.3, line 32, col.4, line 42-col.6, line 1+, col.7, line 26-col.8, line 49 and line 53-col.9, line 1+).

Therefore it would have been obvious to one of ordinary skilled artisan to incorporate the teaching of Smeets into the system of Hind as modified by Ellis to monitor the mobile terminal with respect to telephone usage and billing users according based on their phone usage.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-109 have been considered but are moot in view of the new ground(s) of rejection. The amendment to necessitated the new ground(s) of rejections discussed above. **This office action is non-final.**

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Terao et al (7,085,382) disclose communication device, communication set, authentication method and method of wireless connection.

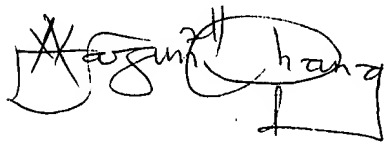
Stanforth (6,961,575) disclose AD HOC peer-to-peer mobile radio access system interfaced to the PSTN and cellular networks.

Iijima (5,288,978) discloses mutual authentication system and method.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

A handwritten signature in black ink, appearing to read "Annan Q. Shang". The signature is written in a cursive, stylized font. The first part of the signature is enclosed in a rectangular box, and the last part is enclosed in a separate rectangular box.

**Annan Q. Shang**